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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,800	08/28/2003	Tadashi Tsunoda	TOW-039	2015

959 7590 07/26/2006

LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109

EXAMINER

ALEJANDRO, RAYMOND

ART UNIT	PAPER NUMBER
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1745

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20060721

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Commissioner for Patents

The information disclosure statement (IDS) submitted on 07/05/06 was filed after the mailing date of the Notice of Allowance on 06/08/06. The submission is in compliance with the provisions of 37 CFR 1.97 because it provides:

- a) a statement as specified in 37 CFR 1.97(e);
 - b) authorization to charge any deficiency in the fees (implicitly, the fee set forth in 37 CFR 1.17(p)).
- Accordingly, the information disclosure statement is being considered by the examiner.

However, 37 CFR 1.97(e) (1) establishes the following: A statement under this section must state either:
"(1) That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement."

Therefore, applicant's submission of the Korean Office Action for Application No. 10-2005-7003563, June 21, 2006 as part of the IDS is improper because such Korean Office Action is not a reference cited per se, it corresponds to, indeed, the communication from the foreign patent office. The examiner likes to clarify this because such Korean Office Action appears to include additional references cited therein which applicant has preferred to not include in the IDS of 07/05/06. Therefore, revision and consideration of the Korean Office Action in no way may reflect that any other reference cited therein but not included as part of the IDS has been considered by the examiner.

37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office; therefore, unless the references have been cited by the examiner on form PTO-892 or by applicant on form 1449, they have not been considered.

RAYMOND ALEJANDRO
PRIMARY EXAMINER

Raymond Alejandro
Primary Examiner
Art Unit: 1745